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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,699	07/22/2003	Yun-Ching Chuang	MR957-1362	6496

4586 7590 03/23/2006

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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,699

Applicant(s)

CHUANG, YUN-CHING

Examiner

Quang T. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Akutsu (JP 2001025493A). Akutsu discloses an injection needle disposal device comprising a frequency converter (Translation, par. 0032) disposed in a housing; and a coil (8) connected to output terminals of the frequency converter (par. 0029) at two ends so that the frequency converter can power the coil (8) with high frequency current for the coil to produce high temperatures when activated; the coil (8) having ring-shaped portions defining a middle hole under a through hole of an upper side of the housing for allowing needles to be passed into via the through hole (figures 7-8).

NOTE: The term “whereby used syringe needles are melted and sterilized by heat produced by the coil after having been passed into the middle hole of the coil” is functional language and no patentable weight is given to the term, as long as induction coil (8) of Akutsu is capable of heat, melt and sterilize syringe needles, it meets the claimed limitations.

or, in the alternative, under 35 U.S.C. 103(a) as obvious over Akutsu (JP 2001025493A) in view of Moriwaki et al (JP07324873A). Akutsu discloses substantially all features of the claimed invention as above except syringe needles are melted and sterilized by heat produced by the coil. Moriwaki discloses syringe needles are melted

and sterilized by heat produced by the coil (4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Akutsu syringe needles are melted and sterilized by heat produced by the coil in order to destroyed the used syringe needles.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akutsu (JP 2001025493A) in view of Ch'ing-Lung (US 4,628,169). Akutsu discloses substantially all features of the claimed invention except the housing has an opening on a lateral side thereof, and a collecting sink is passed into the housing via the opening. Ch'ing-Lung discloses a housing (2) has an opening on a lateral side thereof (figure 2), and a collecting sink (22) is passed into the housing via the opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Akutsu a housing has an opening on a lateral side thereof, and a collecting sink is passed into the housing via the opening as taught by Ch'ing-Lung in order to remove the wasted syringe needles. With regard to claim 2, "a sensor is disposed in the housing". Akutsu discloses a sensing needle presence element (4) with a lever (4b) of microswitch (4a) and also discloses a sensor (26, par. 0017 of translation). It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to also use sensor (26) for heating location detecting element substituting for a lever of microswitch. Doing so would improve the sensing needle presence element since detecting presence of needle without contacting.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

March 17, 2006



Quang T Van
Primary Examiner
Art Unit 3742